SUPREME COURT OF THE UNITED STATES.

No. 167.

THE BALTIMORE AND SUSQUEHANNA RAILROAD COMPANY, PLAINTIFF IN ERROR,

vs.

ALEXANDER NESBIT AND PENELOPE D. GOODWIN.

IN ERROR TO THE BALTIMORE COUNTY COURT.

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Gideon & Co., Printers.

THE UNITED STATES OF AMERICA, *ss.*

The President of the United States, to the judges of Baltimore county court, greeting:

[SEAL.]

Because in the record and proceedings, as also in the rendition of the judgment, of a plea which is in the said county court, before you or some of you, in which Alexander Nesbit and Penelope D. Goodwin are plaintiffs, and the Baltimore and Susquehanna Railroad Company is defendant, a manifest error hath happened, to the great damage of the said Baltimore and Susquehanna Railroad Company, as by its complaint appears; we being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at the city of Washington on the first Monday in December next, in the said Supreme Court to [be] then and there held; that the record and proceedings being inspected, the said Supreme Court may cause further to be done therein, to correct that error, what of right and according to the laws and custom of the United States should be done.

Witness the honorable Roger B. Taney, chief justice of our Supreme Court, the first Monday in December, in the year of our Lord one thousand eight hundred and forty-seven.

I. M. C. Issued 4th October, 1848.

THO. SPICER, *Clk. ct. ct*

STATE OF MARYLAND, *Baltimore county, to wit:*

At a county court of the sixth judicial district of the State of Maryland, begun and held at the court-house in the city of Baltimore, in and for the county aforesaid, on the first Monday in April, being the fifth day of the same month, in the year of our Lord one thousand eight hundred and forty-seven, were present the honorable Stevenson Archer, chief judge; the honorable John Purviance and the honorable John C. Le Grand, associate judges; William Turner, esquire, sheriff; A. W. Bradford, clerk.

Among other were the following proceedings, to wit:

Inquisition, &c.

Alexander Nesbet, trustee, and Penelope D. Goodwin, cestui que trust; condemnation of part of their lands for the use of the Baltimore and Susquehanna Railroad Company.

Be it remembered, that at the April term of Baltimore county court, to wit, on the eighth day of April, in the year of our Lord one thou-

sand eight hundred and thirty-seven, John W. Walker, esq., sheriff of Baltimore county, in pursuance of the act of the General Assembly of Maryland, passed at December session, eighteen hundred [and] twenty-seven, entitled "An act to incorporate the Baltimore and Susquehanna Railroad Company, made return to the court here of the following warrant, inquisition, and return, to wit:

MARYLAND, *Baltimore county, to wit:*

To John W. Walker, sheriff of said county.

Whereas application has been made to me, a justice of the peace of said State, in and for said county, by the President and Directors of the Baltimore and Susquehanna Railroad Company, stating that the said company cannot agree with Alexander Nesbit, trustee, and Penelope D. Goodwin, cestui que trust, for the purchase, or use and occupation, of a certain tract or parcel of land lying in said county, belonging to the said Alexander and Penelope, as aforesaid, and contained within the following metes and bounds, courses and distances, to wit: Beginning for the same at a point, south eighty-two degrees east, distant seventy-eight feet from a blazed maple tree, and running thence north twenty degrees thirty-seven minutes west, twenty-two hundred and eighty-one feet, to the division line between the lands held and owned as aforesaid by the said Alexander and the said Penelope and the lands of one Joshua F. C. Talbott, the said course being on the centre of a space laid out for a railroad, to be of the width [of] sixty-six feet at its surface, that is to say, thirty-three feet on each side of said course, and which said tract is wanted by the said company for the construction of a railroad from the city of Baltimore towards the Susquehanna river, under and in conformity to the provisions of an act of assembly, passed at December session, eighteen hundred and twenty-seven, entitled "An act to incorporate the Baltimore and Susquehanna Railroad Company."

Now, therefore, I, the said justice, under and by virtue of the said act and application aforesaid, do hereby authorize and command you to summon a jury of twenty inhabitants of said county, not related to said Alexander Nesbit or to said Penelope D. Goodwin, nor in any way interested, to meet upon the premises hereinbefore described, on the thirteenth day of December next ensuing the date hereof, at 12 o'clock, a. m. Herein fail not, and this shall be your warrant and authority therefor.

Witness my hand and seal, this thirtieth day of November, 1836.

MATTHEW MURRAY. [SEAL.]

I hereby certify and return, that, by authority and in pursuance of the command of the within warrant to me directed, I summoned Charles Jones, Henry McEldery, William G. Howard, Robert Gilmor, junior, Edward Buchanan, John Zimmerman, John B. Holmes, Marcus R. Hook, Patrick Caughy, James Blair, Jacob Stouffer, James N.

Keys, Caleb Whittemore, David W. B. McClellan, Peter Klunck, Jesse Sumwalt, David Taylor, Thomas Mullen, Thomas Scott, and John W. Ward, being a jury of twenty inhabitants of said county not related to the within named Alexander Nesbit or Penelope D. Goodwin, nor in any wise interested, to meet upon the land therein described on the 13th day of December, 1836, at 12 o'clock, meridian; and thereof gave the said Alexander and the said Penelope notice, by serving upon Hugh Davey Evans, esquire, their attorney, a copy of the said warrant; at which time and place did appear, as well the jurors aforesaid as the said Penelope and the said Alexander, together with the said company, by their attorneys respectively. Whereupon James Mason Campbell, esquire, attorney for and on the behalf of the Baltimore and Susquehanna Railroad Company, did strike from the said panel of jurors the names of four persons, as did also Hugh Davey Evans and Albert Constable, esquires, attorneys for and on behalf of the said Alexander and the said Penelope, leaving twelve jurors remaining to act as a jury of inquest of damages, to wit: William G. Howard, Robert Gilmor, junior, Edward Buchanan, John B. Holmes, James N. Keys, Caleb Whittemore, Peter Klunk, Jesse Sumwalt, David Taylor, Thomas Mullen, Thomas Scott, and Jacob Stouffer; and before the said jurors proceeded to act as such, I administered to each of them the following oath or affirmation, (as they respectively swore or affirmed.) "You do swear, (or solemnly, sincerely, and truly declare and affirm,) that you will justly and impartially value the damages which Alexander Nesbit, trustee, and Penelope D. Goodwin, cestui que trust, will sustain by the use or occupation of the tract of land required by the Baltimore and Susquehanna Railroad Company for the construction of a railroad from the city of Baltimore towards the Susquehanna river." Whereupon, having shown to the said jury the tract of land within described, and directed the said jury to take into the estimate of damages the benefits resulting to the said Alexander and the said Penelope from the passage of such railroad through said property, but only in extinguishment of the claim for damages; and the parties respectively having examined witnesses to such facts as they deemed necessary, the said jury did reduce their inquisition to writing, and did sign and seal the same in manner and form, as by the original of the said inquisition hereto annexed and made part of this return, doth appear. Whereupon I hereby return the said inquisition to the clerk of the said county, as directed by the act of assembly, entitled "An act to incorporate the Baltimore and Susquehanna Railroad Company."

Witness my hand and seal.

JOHN W. WALKER, [SEAL.]
Sheriff of Baltimore county.

MARYLAND, *Baltimore county.*

An inquisition, taken at the said county upon the premises herein after described, on the thirteenth day of December, in the year eighteen hundred and thirty-six, before John Wesley Walker, sheriff of the said

county, on the oath of William G. Howard, Robert Gilmore, junior, Edward Buchanan, John B. Holmes, James N. Keys, Caleb Whittemore, Peter Klunck, Jesse Sumwalt, David Taylor, Thomas Mullen, and on the affirmation of Thomas Scott and Jacob Stouffer, who having been summoned by said sheriff, and sworn justly and impartially to value the damages which Alexander Nesbit, trustee, and Penelope D. *Owings*, cestui que trust, will sustain by the use and occupation of that piece, parcel, or tract of land owned by the said Alexander Nesbit, trustee, and the said Penelope D. *Owings*, cestui que trust, situated in said county, and contained within the following metes and bounds, courses and distances, to wit: Beginning for the same at a point, south of eighty-two degrees east, distant seventy-eight feet from a blazed maple tree, and running thence north twenty degrees thirty-seven minutes west, twenty-two hundred and eighty-one feet, to the division line between the lands of the said Alexander Nesbit and the said Penelope D. Goodwin, owned by them as aforesaid, and the lands of one Joshua F. C. Talbott, the said course being in the centre of the space requisite for a railroad, to be of the width of sixty-six feet at the surface of said road, that is to say, of the width at said surface of thirty-three feet on each side of said course; which said piece, parcel, or tract is wanted by the Baltimore and Susquehanna Railroad Company, for the construction of a railroad from the city of Baltimore to some suitable point or points on the Susquehanna river, upon their oaths do say, that they value the damages which the said Alexander Nesbit, trustee, will sustain by the use and occupation aforesaid, at the sum of nothing; and that they value the damages which the said Penelope D. Goodwin will sustain by the use and occupation aforesaid, at the sum of five hundred dollars. In testimony whereof we, the subscribers, being the jurors aforesaid, have hereunto set our hands and seals, on the day and year first above written.

W. G. HOWARD,	[SEAL.]
ROBT. GILMORE, JR.,	[SEAL.]
EDW'D BUCHANAN,	[SEAL.]
JOHN B. HOLMES,	[SEAL.]
JAMES N. KEYS,	[SEAL.]
CALEB WHITTEMORE,	[SEAL.]
PETER KLUNCK,	[SEAL.]
JESSE SUMWALT,	[SEAL.]
DAVID TAYLOR,	[SEAL.]
THOMAS MULLEN,	[SEAL.]
THOMAS SCOTT,	[SEAL.]
JACOB STOUFFER.	[SEAL.]

I do hereby certify, and return to the clerk of Baltimore county, the within inquisition, taken before me on the oaths of the jurors within named, as herein set forth and reduced to writing, and signed and sealed by the said jurors in my presence, agreeably to the directions of

the act of assembly, entitled "An act to incorporate the Baltimore and Susquehanna Railroad Company.

JNO. W. WALKER, [SEAL.]
Sheriff of Baltimore county.

Whereupon the Baltimore and Susquehanna Railroad Company comes into the county court here, by James M. Campbell, esquire, its attorney; and thereupon, on motion of the Baltimore and Susquehanna Railroad Company aforesaid, by its said attorney, the court passed the following order of confirmation, to wit:

In Baltimore county court, April term, 1837.

Ordered, that this inquisition be ratified and confirmed, no cause to the contrary having been shown.

24th April, 1837. JOHN PURVIANCE.

And afterwards, at the April term of the said county court, to wit, on the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and forty-four, the said Alexander Nesbit and Penelope D. Goodwin, by William Schley and W. Fernandis, junior, esquires, their attorneys, come into court here, and file in the matter of said inquisition the following petition, to wit:

To the honorable the judges of the Baltimore county court.

The petition of Alexander Nesbitt, of the city of Baltimore, and of Penelope D. Goodwin, of Baltimore county, respectfully represents, that on the 13th day of December, 1836, an inquisition was found for the Baltimore and Susquehanna Railroad Company, condemning the lands of your said petitioner, Penelope D. Goodwin, (the said lands in said inquisition being described as the land of your petitioner, Alexander Nesbitt, trustee, and of your petitioner, Penelope D. Goodwin, cestui que trust,) by which said inquisition, the damages sustained by your said petitioner, Alexander Nesbitt, trustee, were estimated at nothing, and the damages sustained by your petitioner, Penelope D. Goodwin, were assessed at five hundred dollars; and which said inquisition, by order of Baltimore county court, was ratified and confirmed on the 24th day of April, 1837, as upon reference thereto will appear. Your petitioners respectfully further state to your honors, that at December term, 1841, an act was passed by the General Assembly of Maryland, entitled "An act for the relief of Penelope D. Goodwin, of Baltimore county," whereby it is enacted that your said honorable court is authorized and required to set aside the said inquisition, and to direct an inquisition de novo to be taken, and that such proceedings should be had as in cases where inquisitions are set aside by the court, as upon reference to said act, being chapter No. 165 of the acts of said session, will more fully appear. Your petitioners aver, that the inquisition in said act mentioned, and the inquisition herein first mentioned, are one and the same, and not other or divers. Your petitioners re-

spectfully further suggest that said company has not, at any time, moved your said honorable court to set aside said inquisition, and to grant an inquisition de novo; nor has the said company, although respectfuly requests have to that end been made, agreed to unite with your petitioners in such application.

Your petitioners, therefore, respectfully pray your said honorable court to set aside said inquisition, and to grant an inquisition de novo, &c., according to the exigency of said act of assembly; and to that end to grant a rule upon the Baltimore and Susquehanna Railroad Company to show cause, if any there be, why the said inquisition shall not be set aside, and an inquisition de novo be awarded, and the directions of said act be complied with according to the exigency thereof; and as in duty bound, &c.

WM. SCHLEY,
W. FERNANDIS, Jr.,
Attorneys for petitioners.

Which being read and heard, the court thereupon passed the following order, to wit:

In Baltimore county court, April term, 1844.

Ordered by the court, this 26th day of April, 1844, that the Baltimore and Susquehanna Railroad Company show cause, on the 11th day of May next, why the inquisition in the above case shall not be set aside, and an inquisition de novo directed as prayed.

JNO. PURVIANCE
JNO. C. LE GRAND.

And afterwards, to wit, on the eleventh day of May, in the year last aforesaid, the following statements and agreements were filed in court here, to wit:

The Baltimore and Susquehanna Railroad Company,
To Mrs. Penelope Goodwin, Dr.

1844, April 18. To amount due her as per inquisition, held December 13th, 1836 - - -		$500 00
To interest on $500 from Dec'r 13th, 1836, to this date, 7 years, 4 months, 5 days -		220 42
		$720 42

Baltimore, *April* 1844.

I this day, by direction of the President of the B. and S. R. R. Co., made a tender in specie to Mrs. P. Goodwin, at her residence in Baltimore county, of the amount of the within account, $720 42, which she refused positively to receive, stating that any settlement must be made with her attorney, Otho Scott, esqr.; she objected

to the sum allowed her by the jury as being too pitiful to receive in payment for the injuries done her by this company; she stated that if the amount in itself was satisfactory she could not venture to receive it in the country where she might lose it by robbery.

Mrs. G. took the proceeding in a friendly spirit, and accepted a duplicate of this account, which I handed her.

D. C. H. BORDLEY.

In the matter of the motion to set aside the inquisition held on the lands of Mrs. Goodwin and Mr. Nesbitt, trustee, at instance of Baltimore and Susquehanna Railroad Company.

In Baltimore county court.

It is agreed that the statements of this paper shall be received in evidence.

J. M. CAMPBELL,
For B. and S. R. R. Co.,
WM. SCHLEY,
For Mrs. Goodwin and Mr. Nesbit.

And afterwards, to wit, on the 21st day of May, in the year eighteen hundred and forty-five, the following letter or statement of D. C. H. Bordley, esq., was filed in court here, to wit:

BALTIMORE, *May 21st*, 1845.

J. MASON CAMPBELL, esquire.

DEAR SIR: By directions received from Mr. Howard, president of the Baltimore and Susquehanna Railroad Company, I called on Mrs. P. Goodwin, at her residence in Baltimore county, on the 18th of April, 1844, and made her a legal tender on the part of the R. R. Co. of $720 42; the money was counted by me, and found to contain the above amount; it was in specie, and in U. S. half dollars, except the 42 cents.

I saw Mrs. Goodwin; made her an earnest offer of the money, but she refused positively to receive it, alleging that her claim was for a much larger amount, and that she could not think of receiving so trifling a sum as that offered to her, &c., &c. She added, that if she was disposed to accept the sum tendered, she could not and would not do so until she had first consulted her counsel. I handed to Mrs. Goodwin a statement of her account, which she retained, and which stated distinctly that $500 was for the amount awarded to her by the jury, and $220 42 for interest on the same. The above mentioned award of inquisition was for damages done to her property by taking the railroad through it.

Yours, respectfully,
D. C. H. BORDLEY.

Addressed—
J. MASON CAMPBELL, esq., *attorney at law, Baltimore.*

And afterwards, to wit, on the sixteenth day of November, in the year

eighteen hundred and forty-six, the following agreement of counsel was filed in court here, to wit:

In Baltimore county court.

Motion to set aside inquisition, &c.

PENELOPE D. GOODWIN
vs.
The BALTIMORE AND SUSQUEHANNAH RAILROAD COMPANY.

It is agreed that this case be submitted to the court for decision, on notes of argument. The counsel on both sides to file their notes within ten days from the date of this agreement.

W. FARNANDIS, JR.,
Attorney for Mrs. G.
J. M. CAMPBELL,
For the B. & S. R. R. Co.

And afterwards, to wit, on the eleventh day of December, in the year last aforesaid, the following objections to setting aside said inquisition, were filed in court here, to wit:

In Baltimore county court.

In the matter of the motion made by Penelope D. Goodwin to set aside the inquisition taken, returned to and confirmed by this court, at the instance of the Baltimore and Susquehanna Railroad Company:

The Baltimore and Susquehanna Railroad Company objects to the motion made in this case to set aside the injunction:

1. Because the act of assembly of the State of Maryland (1841, ch. 165) under which it is made, is in violation of the bill of rights of said State, as an exercise of judicial power.

2. Because said act is in violation of the Constitution of the United States, as impairing the obligation of the contract entered into between the State and the Baltimore and Susquehanna Railroad Company, by its charter (1827, ch. 72,) particularly the 15th section thereof.

J. M. CAMPBELL,
For the B. & S. R. R. Co.

And afterwards, to wit, on the thirteenth day of May, in the year eighteen hundred and forty-seven, the court passed and filed in court here, in the matter of said petition, the following order, setting aside the said inquisition, to wit:

In Baltimore county court, November term, 1846.

The BALTIMORE AND SUSQUEHANNAH RAILROAD COMPANY
vs.
PENELOPE D. GOODWIN and ALEXANDER NESBIT, trustee.
} Inquisition, &c.

In the matter of the petition of Penelope D. Goodwin and Alexan-

der Nesbit, trustee, in the above case, it is this 13th day of May, 1847, ordered and adjudged by Baltimore county court, that the inquisition heretofore returned in said case be, and the same is hereby, set aside, according to the prayer of said petition; and the court will hereafter, upon application of the said petitioners, or their counsel, provide for the taking of an inquisition, "de novo" according to law.

STEVENSON ARCHER,
JOHN PURVIANCE.

And afterwards, to wit, on the tenth day of October, in the year eighteen hundred and forty-eight, the Baltimore and Susquehanna Railroad Company, by J. Mason Campbell, esquire, its said attorney, filed in court here the following petition to the honorable Roger Brook Taney, chief justice of the Supreme Court of the United States, for a writ of error, to wit:

To the honorable Roger Brooke Taney, chief justice of the Supreme Court of the United States:

The petition of the Baltimore and Susquehanna Railroad Company, a body politic, incorporated by the State of Maryland, humbly showeth:

That it is aggrieved by an order and final judgment of Baltimore county court, one of the courts of the State of Maryland, passed on or about the 13th day of May, A. D. 1847, in the matter of the warrant, inquisition, and return, as to the damages sustained by Alexander Nesbit, trustee, and Penelope D. Goodwin, cestui que trust, for land for the construction of a railroad used by the Baltimore and Susquehanna Railroad Company.

That said order and final judgment was passed on motion of the said Nesbit and Goodwin, made under and by virtue of an act of assembly of the said State, passed at December session, A. D. 1841, chapter 165, and that said act of assembly is repugnant to the Constitution of the United States, and that such repugnancy was alleged before said Baltimore county court, but that said court, which is the highest court of law or equity of the said State in which a decision in the said suit can be had, decided in favor of the validity of said act of assembly, and so deciding, passed said order and final judgment.

It prays, therefore, that a writ of error may issue to Baltimore county court in said cause, according to the statute in such case made and provided, and that said order and final judgment may be re-examined and reversed in the Supreme Court of the United States.

J. M. CAMPBELL,
COLEMAN YELLOTT,
Attorneys for petitioners.

On the back whereof is thus endorsed, to wit:

"Let writ of error issue. R. B. TANEY.
"Oct. 4, 1848."

And on the same tenth day of October, the Baltimore and Susquehanna Railroad Company, by its attorneys aforesaid, produced the writ

of the United States for the correcting of errors of and upon the judgment aforesaid, directed to the judges of Baltimore county court here, as follows, to wit:

UNITED STATES OF AMERICA, *ss.*

The President of the United States, to the judges of Baltimore county court, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea, which is in the said county, before you [Seal's place.] or some of you, in which Alexander Nesbit and Penelope D. Goodwin are plaintiffs, and the Baltimore and Susquehanna Railroad Company is defendant, a manifest error hath happened, to the great damage of the said Baltimore and Susquehanna Railroad Company, as by its complaint appears; we being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at the city of Washington, on the first Monday in December next, in the said Supreme Court, to [be] then and there held; that the record and proceedings being inspected, the said Supreme Court may cause further to be done therein, to correct that error, what of right and according to the laws and custom of the United States should be done.

Witness the honorable Roger B. Taney, chief justice of our supreme court, the first Monday in December, in the year of our Lord one thousand eight hundred and forty-seven.

J. M. C. Issued 4th October, 1848.

THO. SPICER,
Clerk circuit court.

And on the same tenth day of October, the following citation and admission of the service thereof, and writ of error bond, were filed in court here in said cause, to wit:

The United States of America, to Alexander Nesbit and Penelope D. Goodwin, greeting:

You are hereby cited and admonished to appear at a Supreme Court of the United States, to be held at the city of Washington, on the first Monday in December next, pursuant to a writ of error filed in the clerk's office of Baltimore county court, wherein you are plaintiffs, and the Baltimore and Susquehanna Railroad Company is defendant, to show cause, if any there be, why the judgment rendered against the said Baltimore and Susquehanna Railroad Company, in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in this behalf. Witness my hand and

seal, this fourth day of October, in the year of our Lord one thousand eight hundred and forty-eight. R. B. TANEY.

At the foot of which is thus written, to wit:
"Service admitted 10th October, 1848, by
"W. FARNANDIS, Jr.,
"*Attorney for A. Nesbit and P. D. Goodwin.*"

Know all men by these presents, that we, Robert M. Magraw, Zenas Barnum, and Joseph Simms, of the city of Baltimore, are held and firmly [bound] unto Alexander Nesbit and Penelope D. Goodwin, of Baltimore county, in the State of Maryland, in the just and full sum of five hundred dollars, lawful money of the United States, to be paid to the said Alexander Nesbit and Penelope D. Goodwin, their executors, administrators, or assigns; to which payment, well and truly to be made and done, we hereby bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this second day of October, in the year of our Lord one thousand eight hundred and forty-eight. Whereas lately, in Baltimore county court, in a certain cause in the said court depending, wherein the said Alexander Nesbit, trustee, and Penelope D. Goodwin, cestui que trust, were plaintiffs, and the Baltimore and Susquehanna Railroad Company were defendants, the said Alexander Nesbit and Penelope D. Goodwin obtained an order and final judgment in the matter of a warrant, inquisitio, and return as to the damages sustained by the said Alexander Nesbit and Penelope D. Goodwin for land for the construction of a railroad, used by the said Baltimore and Susquehanna Railroad Company.

And whereas the said Baltimore and Susquehanna Railroad Company have sued out the writ of the United States of America for the correcting of errors, and a citation to the said Alexander Nesbit and Penelope D. Goodwin, citing and admonishing them to be and appear at a Supreme Court of the United States, to be held at the city of Washington, on the first Monday in December next, to show cause, if any there be, why the judgment so as aforesaid rendered, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in this behalf. Now, the condition of the above obligation is such, that if the said Baltimore and Susquehanna Railroad Company shall well and truly prosecute with effect their said writ of error, and pay to the said Alexander Nesbit and Penelope D. Goodwin, their heirs, executors, administrators, or assigns, the costs and charges which have been adjudged in the said Baltimore county court, and also all such damages, costs, and charges, which may be awarded by the said Supreme Court, in case the said Baltimore and Susquehanna Railroad Company shall fail to make good their said plea, then the above obligation to be void, otherwise to be and remain in full force and virtue.

R. M. MAGRAW, [SEAL.]
ZENAS BARNUM, [SEAL.]
JOSEPH SIMMS. [SEAL.]

At the foot of which is thus written, to wit:

"Approved. "R. B. TANEY."

"Oct. 4, 1848."

Whereupon, in pursuance of the command of the said writ of error, and according to the act of Congress in such case made and provided, a transcript of the record and proceedings of the judgment aforesaid, with all things thereunto relating, together with the said writ of error annexed, is hereby transmitted to the Supreme Court of the United States.

In testimony that the aforegoing is a full and true transcript taken from the record of proceedings of Baltimore county court, in the [L. S.] cause therein mentioned, I have hereto set my hand and affixed the seal of said court, this sixteenth day of October, anno domini eighteen hundred and forty-eight.

A. W. BRADFORD,
Clerk, Baltimore county court.